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Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte AHMED K. EZZAT

Appeal 2009-005631
Application 10/769,594
Technology Center 2400

Before JAY P. LUCAS, CAROLYN D. THOMAS, and
DEBRA K. STEPHENS, *Administrative Patent Judges*.

STEPHENS, *Administrative Patent Judge*.

DECISION ON APPEAL¹

¹ The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

Appellant appeals under 35 U.S.C. § 134(a) (2002) from a final rejection of claims 1-25. We have jurisdiction under 35 U.S.C. § 6(b) (2008).

We AFFIRM.

Introduction

According to Appellant, the invention is a system and method for protecting information in a computer system (Br. 1). The invention seeks to provide a flexible protection model by decoupling protection from privilege (Abstract).

STATEMENT OF CASE

Exemplary Claim(s)

Claim 1 is an exemplary claim and is reproduced below:

1. A method of providing flexible protection in a computer system by decoupling protection from privilege, the method comprising:

enabling receipt of information describing two or more types of protection;

enabling receipt of information describing a relationship between said two or more types of protection and portions of code that are executed in a same privilege level of the computer system, wherein said relationship is not required to be linear; and

enabling the association of said information describing said two or more types of protection and said information describing said relationship with said portions of code, wherein a first portion of code allowing a second portion of code to access the first portion of code does not depend on the second

portion of code allowing the first portion of code to access the second portion of code.

References

The references referred to by the Examiner in rejecting the claims on appeal is:

Gong US 6,125,447 Sep. 26, 2000
Allen Holub, Programming Java Threads in the Real World, Part 1,
<http://www.javaworld.com> (Sept. 1, 1998).

REJECTIONS

Claims 1-25 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Gong (Ans. 3).

GROUPING OF CLAIMS

Appellant argues all of the independent claims 1, 10, 12, 15, and 17 as a group on the basis of claim 1 (Br. 12-16). We accept independent claim 1 as the representative claim. We will, therefore, treat independent claims 10, 12, 15, and 17 as standing or falling with representative claim 1.

We accept Appellant's grouping of the claims. *See* 37 C.F.R. § 41.37(c)(1)(vii).

ISSUE 1

35 U.S.C. § 102(b): claims 1, 10, 12, 15, and 17

Appellant asserts their invention is not anticipated by Gong because Gong does not teach, describe or suggest all of the elements of claims 1, 10,

12, 15, and 17 (App. Br. 12-16). Specifically, Appellant contend that Gong does not disclose or suggest the steps of:

- i) information describing a relationship between two or more types of protection, wherein the relationship is not required to be linear;
- ii) portions of code that are executed in a same privilege level of the computer system; and
- iii) wherein a first portion of code allowing a second portion of code to access the first portion of code does not depend on the second portion of code,

as similarly recited in claims 1, 10, 12, 15, and 17 (*id.*). Specifically, Appellant contends Gong's portions of code which are on a stack, depend on each other for permission to access data (Br. 14). Appellant further asserts the permission associated with objects b and c does not permit objects a's "required permission" to write to the file /tmp/temporary (Br. 16). As a result, according to Appellant, Gong discloses the portion of code a depends on portions of code b and c to access /tmp/temporary (*id.*).

The Examiner finds that Gong discloses an exemplary embodiment having at least two distinct protection domains (domains I and J, see Figure 6; cf. col. 11, lines 55-64) (Ans. 7). Each of the protection domains has its own set of permissions (*id.*). Therefore, the Examiner finds that Gong discloses "enabling receipt of information describing two or more types of protection" (*id.*). The Examiner further finds that Gong describes a domain mapper component (element 248 of Figure 2) that receives the information to combine permissions with a code identifier to which the permission is

applicable creating a protection domain object used by the system to determine when a given portion of code may access a particular resource (*id.*) The Examiner further finds the invention as recited does not forbid a linear relationship (Ans. 8). The Examiner next finds that executing portions of code in a same privilege level of the computer system is inherent (Ans. 8-10).

Lastly the Examiner finds that since a.x invokes b.y, Gong discloses that a.x must be able to access b.y for the invention to function (Ans. 10-11). Additionally, the Examiner finds that the access by a.x of b.y is not dependent on a.x allowing b.y to access it (*id.*).

Issue 1: Has the Examiner erred in finding that Gong discloses:

- i) information describing a relationship between two or more types of protection, wherein the relationship is not required to be linear;
- ii) portions of code that are executed in a same privilege level of the computer system; and
- iii) wherein a first portion of code allowing a second portion of code to access the first portion of code does not depend on the second portion of code allowing the first portion of code to access the second portion of code?

ANALYSIS

We agree with the Examiner's finding in the Answer of June 27, 2008 and emphasize the following. The claim recitation in claim 1 does not

require the relationship between the types of protection and the portions of code to be linear, but it does not prohibit it either. Appellant's arguments regarding Gong's portions of code on a stack depending on each other for permission to access data is similarly unpersuasive. Claim 1 recites the first portion of code's allowing the second portion of code access to the first portion of code is not dependent on the second portion's allowing the first portion access to the second portion. Appellant appears to be arguing limitations not recited in the claim (Br. 14). Specifically, in Gong b.y allowing a.x to access b.y does not depend on whether a.x allows b.y to access a.x (Br. 14 and col. 11, ll. 40-54).

Additionally, the Examiner set out detailed findings as to Gong's disclosure of "information describing a relationship between said two or more types of protection" and "portions of code ... executed in a same privilege level of the computer system" (Ans. 6-9). However, Appellant has merely restated the claim limitation, restated the portion of Gong cited by the Examiner, and stated this portion does not disclose the limitation (Br. 13 and 16). Appellant does not provide any persuasive arguments or evidence that show the Examiner erred in finding Gong discloses this limitation.

Accordingly, Appellant has not shown the Examiner erred in finding that Gong discloses:

- i) information describing a relationship between two or more types of protection, wherein the relationship is not required to be linear;
- ii) portions of code that are executed in a same privilege level of the computer system; and

- iii) wherein a first portion of code allowing a second portion of code to access the first portion of code does not depend on the second portion of code allowing the first portion of code to access the second portion of code.

Therefore, Appellant has failed to persuade us of error in the Examiner's finding that claim 1 is anticipated by Gong. Since Appellant presented no additional arguments or evidence for claims 2-25, instead relying on the arguments set forth for claim 1, Appellant has not persuaded us of error in the Examiner's finding that claims 2-25 are anticipated by Gong.

DECISION

The Examiner's rejection of claims 1-25 under 35 U.S.C. § 102(b) as being anticipated by Gong is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv) (2009).

AFFIRMED

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